



US EPA RECORDS CENTER REGION 5



488612

THE DURIRON COMPANY, INC.

SERVES THE PROCESS INDUSTRIES

ROBERT L. ROBERTS
ASSOCIATE COUNSEL

REPLY TO BOX 8820
DAYTON, OH 45401
PHONE: 613478-6139
FAX: 613478-6204

March 14, 1994

John J. Breslin, Esq.
Assistant Regional Counsel
USEPA - Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: Sanitary Landfill Company (IWD) Superfund Site
Duriron File No. R5350

Dear Mr. Breslin:

On March 11, 1994 the attached correspondence was received at Duriron's Manufacturing Facility located at 450 North Findlay Street in Dayton, Ohio. After some confusion on the part of my client, the document was eventually directed to my attention and received this morning (March 14, 1994).

First, I must again reiterate that all future correspondence pertaining to this matter should be sent directly to my attention to facilitate a prompt response. By letter of June 22, 1993 to Mr. Kevin Turner (copy attached) USEPA-Region V was notified that Duriron was in fact represented by counsel and that I would be handling this matter on its behalf. My address and telephone number were provided and should be in the file.

Second, also by letter of June 22, 1993 to Mr. Turner, USEPA-Region V was issued a formal Request for Information under the Federal Freedom of Information Act. Prompted by a USEPA-Region V notice that the Cardington Road Coalition (CRC) was to have a meeting on March 1, 1994 and that we had been identified as a Potentially Responsible Party, Duriron followed up on its Request for Information. We were told by Mr. Turner that our FOIA request had not been forwarded to the USEPA-Region V's FOIA office, and therefore no response would be forthcoming. We were also told that it would be faster for us to ask Mr. Stanley (Danis Environmental Management Company) for the information. When Mr. Stanley was contacted, however, we were informed that the information was available, but that it would not be distributed until after the March 1, 1994 meeting.



John J. Breslin, Esq.

March 14, 1994

Page 2

Duriron attended the March 1, 1994 meeting but is still in the process of reviewing the information provided by CRC. To date, however, none of the allegations has been confirmed nor was any documentation provided therefor. In fact, the cover page from CRC contains several allegations which are not only not supported by the documentation provided, but are actually refuted. As the CRC stated that it will not provide any additional information or documentation, on March 2, 1994 I again issued USEPA-Region V a FOIA request for all information in your file. That request was received by you on March 8, 1994.

Duriron is aware that USEPA-Region V is attempting to move this situation forward as promptly as possible, however, it must understand that we were informed less than a month ago that we were considered a PRP and are now being asked by the Cardington Road Coalition to participate on a per capita basis in the R & D work. This is the same group which put together a package of "information" which was totally inaccurate and appeared to be attempting to shift the burden of cleanup to others. Although Duriron is willing to participate in the Superfund process to a reasonable extent when legal liability can be shown, we must respectfully decline to attend or participate in your March 17, 1994 meeting due to a total and complete lack of information.

After Duriron has had an opportunity to review any information to be received from USEPA-Region V, as well as complete the review of the CRC information previously provided, it will notify USEPA-Region V of its intentions. Duriron certainly does not wish to appear unreasonable, but respectfully requests the time and information necessary to evaluate its position. Thank you for your cooperation in this matter.

Sincerely,

Robert L. Roberts, Jr.
Associate Counsel

Enclosures

cc: Paul W. Casper, Frost & Jacobs
Stephen C. Wilson, Duriron



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

**77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

MAR 07 1994

REPLY TO THE ATTENTION OF:

Addressees (see attached lists)

**Re: Negotiations concerning Administrative Order by Consent for
Remedial Design for Sanitary Landfill Company (IWD) Superfund
Site, Moraine Ohio**

Dear Sirs and/or Madams:

The United States Environmental Protection Agency ("U.S. EPA") and the Ohio Environmental Protection Agency ("Ohio EPA") will meet with Respondents to negotiate the above-cited document on March 17, 1994, at 10:00 a.m. at U.S. EPA's offices in Chicago (77 W. Jackson Blvd., 6th Floor). You are invited to attend this meeting. It is anticipated that one or more Respondents may agree to represent other Respondents at this meeting. As mentioned in our Notice letters of February 9, 1994, the Cardington Road Coalition ("CRC") previously formed to implement RI/FS activities at the Site. If any Respondent to this letter wishes to discuss this matter with the CRC, please contact the CRC's representative at the following address or number:

**Steven B. Stanley, Chairman
Cardington Road Coalition
Danis Environmental Management Co.
2 Riverplace
P.O. Box 456
Dayton, OH 45401
(513) 228-1225**

**John Hanson, Common Counsel
Cardington Road Coalition
Beveridge & Diamond, P.C.
Suite 700
1350 I Street, N.W.
Washington D.C. 20005-3311
(202) 789-6000**

It is assumed that all Respondents that wish to enter the AOC with U.S. EPA and Ohio EPA are familiar with the AOC, and will present any proposed changes to such document at the meeting on March 17, 1994. The Agencies will consider any proposed

changes, and will forward a final draft to participating Respondents for signature following the meeting.

If you have any questions or concerns to discuss with U.S. EPA, please call John Breslin of the Office of Regional Counsel at (312) 886-7165 or contact Kevin Turner, the Remedial Project Manager, at (312) 886-4444.

Sincerely,



John J. Breslin
Assistant Regional Counsel

cc: Kevin Turner
Fran Kovac, Ohio EPA

**SANITARY LANDFILL COMPANY (IWD) SUPERFUND SITE
PRPS RECEIVING GENERAL NOTICE LETTER**

**Bimac Corporation
3034 Dryden Road
Dayton, OH 45439**

**Dayton Casting
1531 Keystone Avenue
Dayton, Ohio**

**Gem City Engineering
1425 North Keowee Street
Dayton, Ohio 45404**

**Hewitt Soap
333 Linden Avenue
Dayton, OH 45403**

**The Mazar Corp.
2501 Neff Avenue
Dayton, Ohio 45414**

**Montgomery County Board of County Commissioners
c/o Donald A. Vermillion
County Administrator
451 W. Third St
Dayton, Ohio 45422**

**Monsanto Research Corp.
1515 Nicholas Road
Dayton, Ohio 45418**

**Mullins Rubber
2949 Valley Pike
Dayton, Ohio 45404**

**Phillips Industries, d.b.a.
Tompkins Industries, Inc.
4801 Springfield Pike
Dayton, OH 45431**

**Premier Corporation
4500 Euclid Avenue
Cleveland, Ohio 44103-3780**

Miamisburg, Ohio 453452

Miami Paper Corp.
P.O. Box 66
West Carrollton, Ohio 45449

Monarch Marking
170 Monarch Lane
Dayton, Ohio 45458-2218

NCR Corporation
1700 South Patterson Rd.
Dayton, Ohio 45479

Ohio Bell Telephone Company
45 Erieview Plaza
Cleveland, Ohio 44114

Reynolds & Reynolds
800 Germantown St.
P.O. Box 2608
Dayton, OH 45401

Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

Snyder Properties
P.O. Box 485
Wright Bros. Br.
Dayton, Ohio 45409

Standard Register Company
626 Albany Street
Dayton, Ohio 45408

Systech Environmental Corporation
245 North Valley Rd.
Xenia, Ohio 45385-9354

Tremont Landfill Company
2 Riverplace, Suite 400
Dayton, Ohio 45405

TRW Motor Division
1900 Richmond Road
Cleveland, Ohio 44124

Waste Management, Inc.
c/o Industrial Waste Disposal Company
3975 Wagoner Ford Road
Dayton, Ohio 45414

**SANITARY LANDFILL COMPANY (IWD) SUPERFUND SITE
POTENTIALLY RESPONSIBLE PARTIES RECEIVING
NOTICE LETTER AND
ADMINISTRATIVE ORDER BY CONSENT**

Avey Services, Inc.
P.O. Box 646
Troy, Ohio 45373

B.F. Goodrich
250 N. Cleveland-Mass. Rd
Akron, Ohio 44313

Blaylock Trucking Co., Inc.
2250 Sandridge Dr.
Dayton, Ohio 45401

SmithKline Beecham
(on behalf of DAP, Inc.)
One Franklin Plaza
P.O. Box 7929
Philadelphia, PA 19101

Dayton Power & Light Company
Courthouse Plaza S.W.
Dayton, Ohio 45401

Duriron Company, Inc.
450 N. Findlay Street
Dayton, Ohio 45404

Dayton Tire & Rubber Company c/o
Firestone Tire & Rubber Company
1200 Firestone Parkway
Akron, Ohio 44313

P. H. Glatfelter Company
228 S. Main Street
Spring Grove, Pennsylvania 17362

General Motors Corporation
New Center One Building
3031 West Grand Blvd.
P.O. Box 33122
Detroit, Michigan 48232

Industrial Waste Disposal Co.
3975 Wagoner Ford Road
Dayton, Ohio 45414

Kimberly Clark Corp.
511 Byers Road



THE DURIRON COMPANY, INC.
SERVES THE PROCESS INDUSTRIES

ROBERT L. ROBERTS
ASSOCIATE COUNSEL

REPLY TO BOX 8820
DAYTON, OH 45401
PHONE: 513/478-6139
FAX: 513/478-6204

CERTIFIED MAIL
P850 708 994

June 22, 1993

Kevin Turner
Remedial Project Manager
U.S. Environmental Protection Agency, HSRM-6J
77 W. Jackson Boulevard
Chicago, Illinois 60604

RE: Sanitary Landfill Company
CERCLA 104(e) Response and FOIA Request
File No. R5350

Dear Mr. Turner:

This correspondence is to respond on behalf of The Duriron Company, Inc. to USEPA's May 24, 1993 CERCLA 104(e) Requests for information pertaining to the Sanitary Landfill Company (aka Cardington Road Landfill in Moraine, Ohio). This Response is expressly made without any admission of responsibility or liability for the situation which exists (or may exist) at the Site.

Information Requests were sent to both "Duriron Co., Inc." and "Modern Industrial Plastics, Inc." Until 1988, Modern Industrial Plastics (MIP) was a Division of Duriron. At that time, certain assets (including the name and real estate) were sold to Riken Corporation of America. Riken currently operates MIP as a wholly-owned subsidiary at 3337 North Dixie Drive in Dayton, Ohio. As MIP operated as a Duriron Division until well after the Site was closed in 1980, Riken forwarded USEPA's Request to Duriron for response. The MIP Division of Duriron, as it was known until 1988, is included in the enclosed Response, and I would ask that the two files be consolidated with all future correspondence being directed to my attention.



Kevin Turner
June 22, 1993
Page 2

Duriron has performed a thorough investigation of the information in its possession, and answered each of the Questions as completely as possible given the information available. We fully understand that the Request is of an on-going nature, and will supplement it if additional information becomes available.

Pursuant to the Freedom of Information Act (FOIA), this correspondence will also serve as Duriron's formal request to USEPA for copies of any and all documents in USEPA's possession which in any way indicate that Duriron (or any of its Divisions or Subsidiaries) disposed or arranged for the disposal of any waste materials at the Sanitary Landfill Company Site located at 1855 Cardington Road in Moraine, Ohio. This request for information specifically includes complete copies of all documents used by USEPA as the basis to allege that Duriron was a customer of Industrial Waste Disposal (IWD) in 1975, and that wastes from Duriron were disposed of by IWD at the Sanitary Landfill Company Site (see USEPA Request No. 7). Also included would be any documents which would indicate that such wastes were (or included) Hazardous Substances as that term is defined in CERCLA.

After you have had an opportunity to review Duriron's Response, please contact me if you have any additional questions.

Sincerely,

Robert L. Roberts, Jr.
Associate Counsel

Enclosure

cc: W. H. Herrnstein, III (MIP/Riken Corporation of America)
M. D. Clark (Duriron, Pump & Foundry Divisions)
S. C. Wilson (Duriron, WHQ)

AFFIDAVIT

State of Ohio)

) ss.

County of Montgomery)

Robert L. Roberts, Jr., being first duly affirmed, deposes and says that:

In my capacity as Associate Counsel for The Duriron Company, Inc., I am the Company representative responsible for responding on behalf of the Company to information requests pursuant to Section 104(e) of CERCLA.

In that capacity, I have conducted a diligent search appropriate to the situation of Duriron's records and employees, and have accurately presented the results of that search in the enclosed responses.

Further Affiant sayeth naught.

Robert L. Roberts, Jr.

Affirmed to before me and subscribed in my presence this 15th day of

June, 1993.

Terril L. Kerney

TERRI L. KERNEY, Notary Public
In and for the State of Ohio
My Commission Expires Oct. 31, 1993

(SEAL)

RESPONSE TO USEPA CERCLA 104(e) REQUEST SANITARY LANDFILL COMPANY

Request 1: Identify all persons consulted in the preparation of the Answers to these Information Requests.

Response: Paul W. Casper, Esq.
Frost & Jacobs
2500 PNC Center
P.O. Box 5715
201 East Fifth Street
Cincinnati, Ohio 45202-4182

Mr. M. Dale Clark
Environmental Safety and Health Supervisor
The Duriron Company, Inc.
P.O. Box 1145
Dayton, Ohio 45401-1145

Mr. Joseph R. Pizzino
Foundry Division Purchasing Manager
The Duriron Company, Inc.
P.O. Box 1813
Dayton, Ohio 45401-1813

Mr. William H. Herrnstein, III
President
Modern Industrial Plastics, Inc.
3337 North Dixie Drive
Dayton, Ohio 45414-5697

Mr. Stephen C. Wilson
Director of Safety, Health and Environmental Affairs
The Duriron Company, Inc.
P.O. Box 8820
Dayton, Ohio 45401-8820

Request 2: Identify all documents consulted, examined, or referred to in the preparation of the answers to these requests and provide copies of all such documents.

Response: No documents were found which were responsive to USEPA's Requests.

CERCLA 104(e) RESPONSE

Page 2

Request 3: If you have reason to believe that there may be persons able to provide a more detailed or complete response to any information request or who may be able to provide additional responsive documents, identify such persons.

Response: Duriron has no reason to believe that any such persons exist. However, it was suggested by Mr. Herrnstein that as the Plant Manager of MIP in 1975, Mr. F. Paul Walter could possibly have some recollection of the matters at issue. Although we seriously doubt that this is the case, we were unable to contact Mr. Walter, who has since retired. Mr. Walter's last known address is as follows:

Mr. F. Paul Walter

Centerville, Ohio 45459

1 line - Ex. 6. Personal Privacy

1 line - Ex. 6. Personal Privacy

Request 4: List the EPA Identification Numbers of the Respondent.

Response: Duriron Pump and Foundry Divisions - OHD 004 241 550
Duriron's Research & Technology (R & T) Facility - OHD 023 858 202
Duriron's Corrosion Resisting Plastics (CRP) Facility - OHD 000 817 197
MIP (no longer a Duriron Division) - OHD 004 241 436

Request 5: Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

Response: Duriron has no knowledge or information pertaining to any such persons.

Request 6: Identify all persons who have or may have knowledge or information about the generation, transportation, or disposal of hazardous substances by you, your contractors, or by prior owners and/operators at the Site.

Response: Duriron has no knowledge or information pertaining to any such persons.

Request 7: Did you ever dispose, transport for disposal, or arrange for the transportation for disposal of any hazardous substances or other materials at the Site? U.S. EPA is in possession of information showing that Respondent was a customer of Industrial Waste Disposal, Inc. ("IWD"), and that disposal transactions were conducted with IWD on the following dates: 2/24/75, 3/3/75, 3/22/75, 7/21/75, 8/16/75, 11/18/75, 11/26/75, 4/28/75, 10/30/75, 11/8/75, 11/6/75,

CERCLA 104(e) RESPONSE
Page 3

6/20/75, 10/4/75, 10/11/75, 10/17/75, 10/6/75, 9/20/75, 10/27/75, 12/19/75, 7/30/75, 10/22/75, 10/23/75, 7/25/75, 9/20/75, 12/2/75, 3/5/75, 4/14/75, 9/8/75, 10/7/75, 11/14/75. (MIP = 9/5/75, 9/10/75, 11/24/75, 12/4/75.)

U.S. EPA's information indicates that IWD disposed of Respondent's waste at the Site. For each of these transactions, and any other transactions which are responsive to this request, please provide the following:

- a) The name, chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance, and the process for which the hazardous substance or material was used or the process which generated the hazardous substance or material;
- b) Each date when such hazardous substances or other materials were disposed or transported for disposal by you, your contractors, or by any other person;
- c) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions);
- d) All tests or analyses and analytical results concerning each hazardous substance or material;
- e) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.

Response: To the best of our knowledge, Duriron did not dispose, transport for disposal or arrange for the transportation for disposal of any hazardous substances or other materials at the Site. Although USEPA states that it is in possession of information showing that Duriron was a customer of Industrial Waste Disposal, Inc. (IWD), and that during 1975 IWD took certain of Duriron's wastes to the Site, no such information and/or documentation was provided nor has Duriron been able to locate any documents in its own files reflecting any dealings with IWD or Sanitary Landfill Company in 1975. Duriron reserves the right to supplement this Response as necessary once USEPA provides copies of such information and/or documentation.

Request 8: Identify all persons, including yourself, who may have arranged for disposal or arranged for transportation for disposal of waste materials, including hazardous substances, to the Site. In addition, identify the following:

CERCLA 104(e) RESPONSE

Page 4

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported and disposed;
- d) The amount paid in connection with each transaction;
- e) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- f) The measures taken by you to determine the actual methods, means, and site of disposal of the waste material and hazardous substances involved in each transaction;
- g) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers.

Response: Duriron has no knowledge or information pertaining to any such persons.